

**James Madison to Robert Livingston, April 18, 1803.
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TO ROBERT R. LIVINGSTON AND JAMES MONROE. D. OF S. MSS. INSTR.

Department of State, April 18th—1803,

Gentlemen,

A month having elapsed since the departure of Mr. Monroe, it may be presumed that by the time this reaches you, communications will have passed with the French Government sufficiently explaining its views towards the United States, and preparing the way for the ulterior instructions which the President thinks proper should now be given.

In case a conventional arrangement with France should have resulted from the negotiations with which you are charged; or in case such should not have been the result; but no doubt should be left that the French Government means to respect our rights and to cultivate sincerely peace and friendship with the United States, it will be expedient for you to make such communications to the British Government as will assure it that nothing has been clone inconsistent with our good faith, and as will prevent a diminution of the good understanding which subsists between the two Countries.

If the French Government instead of friendly arrangements, or views should be found to meditate hostilities or to have formed projects which will constrain the United

States to resort to hostilities, such communications are then to be held with the British Government as will sound its dispositions and invite its concurrence in the War. Your

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own prudence will suggest that the communications be so made as on one hand, not to precipitate France into hostile operations, and on the other not to lead Great Britain from the supposition that war depends on the choice of the United States and that their choice of war will depend on her participation in it. If war is to be the result, it is manifestly desirable that it be delayed, until the certainty of this result can be known, and the Legislative and other provisions can be made here; and also of great importance that the certainty should not be known to Great Britain who might take advantage of the posture of things to press on the United States disagreeable conditions of her entering into the war.

It will probably be most convenient in exchanging ideas with the British Government, to make use of its public Minister at Paris; as less likely to alarm and stimulate the French Government, and to raise the pretensions of the British Government, than the repairing of either of you to London, which might be viewed by both as a signal of rupture. The latter course however, may possibly be rendered most eligible by the pressure of the crisis.

Notwithstanding the

just repugnance of this Country to a coalition of any sort with the belligerent policies of Europe, the advantages to be derived from the co-operation of Great Britain in a war of the United States, at this period, against France and her allies, are too obvious and too important to be renounced. And notwithstanding the apparent disinclination of the British councils to a renewal of hostilities with France, it will probably yield to the various motives which will be felt to have the United States in the scale of Britain against France, and particularly for the immediate purpose of defeating a project of the latter which has evidently created much solicitude in the British Government.

The price which she may attach to her co-operation cannot be foreseen, and therefore cannot be the subject of full and precise instructions. It may be expected that she will insist at least on a stipulation, that neither of the parties shall make peace or truce without the consent of the other, and as such an article cannot be deemed unreasonable, and

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will secure us against the possibility of her being detached in the course of the war, by seducing overtures from France, it will not be proper to raise difficulties on that account. It may be useful however to draw from her a definition, as far as the case will admit, of the objects contemplated by her, that whenever with ours they may be attainable by peace she may be duly pressed to listen to it. Such an explanation will be the more reasonable, as the objects of the United States will be so fair and so well known.

It is equally probable that a stipulation of commercial advantages in the Mississippi beyond those secured by existing treaties, will be required. On this point it may be answered at once that Great Britain shall enjoy a free trade with all of the ports to be acquired by the United States, on the terms allowed to the most favored nation in the ports generally of the United States. If made an essential condition, you may admit that in the ports to be acquired within the Mississippi, the trade of her subjects shall be on the same footing for a term of about ten years with that of our own citizens. But the United States are not to be bound to the exclusion of the trade of any particular nation or nations.

Should a mutual guarantee of the existing possessions, or of the conquests to be made by the parties, be proposed, it must be explicitly rejected as of no value to the United States, and as entangling them in the frequent wars of that nation with other powers, and very possibly in disputes with that nation itself.

The anxiety which Great Britain has shown to extend her domain

to the Mississippi, the uncertain extent of her claims, from North to South, beyond the Western limits of the United States, and the attention she has paid to the North West coast of America, make it probable that she will connect with a war on this occasion, a pretension to the acquisition of the Country on the West side of the Mississippi, understood to be ceded by Spain to France, or at least of that portion of it lying between that River and the Missouri. The evils involved in such an extension of her possessions in our neighborhood, and in such a hold on the Mississippi, are obvious. The acquisition is

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the more objectionable as it would be extremely displeasing to our western citizens: and as its evident bearing on South america might be expected to arouse all the jealousies of France and Spain, and to prolong the war on which the event would depend. Should this pretension therefore be pressed, it must be resisted, as altogether repugnant to the sentiments, and the sound policy of the United States. But it may be agreed, in alleviation of any disappointment of Great Britain that France shall not be allowed to retain or acquire any part of the territory, from which she herself would be precluded.

The moment the prospect of war shall require the precaution you will not omit to give confidential notice to our public Ministers and Consuls, and to our naval commanders

in the Mediterranean, that our commerce and public ships may be as little exposed to the dangers as possible. It may under certain circumstances be proper to notify the danger immediately to the Collectors in the principal ports of the U. States.

Herewith inclosed are two blank plenipotentiary Commissions and letters of credence to the French and British Governments. Those for the British Government are to be filled with the name of Mr. Monroe, unless his Mission to France should have an issue likely to be disagreeable to Great Britain; in which case the President would wish Mr. Livingston inserted if the translation be not disagreeable to him, and the name of Mr. Monroe to be inserted in the Commission for the French Republic. To provide for the event of Mr. Livingston's translation, a letter of leave is inclosed.

A separate letter to you is also inclosed, authorizing you to enter into such communications and conferences with British Ministers as may possibly be required by the conduct of France. The letter is made a separate one that it may be used with the effect, but without the formality of a commission. It is hoped that sound calculations of interest as well as a sense of right in the French Government, will prevent the necessity of using the authority expressed in the

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letter. In a contrary state of things the President relies on your own information, to be gained on the spot, and on your best discretion to open with advantage the communications with the British Government, and to proportion the degree of an understanding with it, to the indications of an approaching war with France. Of these indications you will be best able to judge. It will only be observed to you that if France should avow or evince a determination to deny to the United States the free navigation of the Mississippi, your consultations with Great Britain may be held on the ground that war is inevitable. Should the navigation not be disputed, and the deposit alone be denied, it will be prudent to adapt your consultations to the possibility that Congress may distinguish between the two cases, and make a question how far the latter right may call for an instant resort to arms, or how far a procrastination of that remedy may be suggested and justified by the prospect of a more favorable conjuncture.

These instructions have thus far supposed that Great Britain and France are at peace, and that neither of them intend at present to interrupt it. Should war have actually commenced, or its approach be certain, France will no doubt be the more apt to concur in friendly accommodations with us, and Great Britain the more

desirous to engaging us on her side. You will, of course, avail yourselves of this posture of things, for avoiding the necessity of recurring to Great Britain, or if the necessity cannot be avoided, for fashioning her disposition to arrangements which may be the least inconvenient to the United States. Whatever connection indeed may be eventually formed with Great Britain, in reference to war, the policy of the United States requires that it be as little entangling as the nature of the case will permit.

Our latest authentic information from New Orleans is of the 25th of February. At that date the port had been opened for provisions carried down the Mississippi, subject to a duty of 6 p Cent, if consumed in the province, and an additional duty if exported; with a restriction in the latter case to Spanish bottoms, and to the external ports permitted by Spain to her colonial trade. A second letter written by the Spanish Minister here, had been received by

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the Intendant, but without effect. On the 10th of March his interposition was repeated in a form, which, you will find by his translated communication to the Department of State, in one of the inclosed papers, was meant to be absolutely effectual. You will find in the same paper the translation of a letter from the French charge d'Affaires here, to the Governor of Louisiana, written with a co-operating view. A provisional letter to any French Agents,

who might have arrived, had been previously written by him, in consequence of a note from this Department founded on a document published at New Orleans shewing that orders had been given by the Spanish Government for the surrender of the province to France; and he has of late addressed a third letter on the subject to the Prefect said to have arrived at New Orleans. It does not appear however, from any accounts received, that Louisiana has yet changed hands.

What the result of the several measures taken for restoring the right of deposit will be, remains to be seen. A representation on the subject was made by Mr. Graham, in the absence of Mr. Pinckney, to the Spanish Government on the 3d of February. No answer had been received on the 8th, but Mr. Graham was led by circumstances to make no particular inference from the delay. The silence of the French Government to Mr. Livingston's representation as stated in his letter of the day of is a very unfavorable indication. It might have been expected from the assurances given of an intention to observe the Treaty between Spain and the United States, and to cultivate the friendship of the latter, that the occasion would have been seized for evincing the sincerity of the French Government: and it may still be expected that

no interposition that may be required by the actual state of things will be withheld, if peace and friendship with the United States be really the objects of that Government. Of this the Mission of Mr. Monroe, and the steps taken by you on his arrival, will doubtless have impressed the proper convictions.

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During this suspense of the rightful commerce of our Western Citizens, their conduct has been and continues to be highly exemplary. With the just sensibility produced by the wrongs done them, they have united a patient confidence in the measures and views of their Government. The justice of this observation will be confirmed to you by manifestations contained in the Western Newspapers herewith inclosed; and if duly appreciated, will not lessen the force of prudential as well as of other motives, for correcting past, and avoiding future trespasses on American rights.

April 20th.

The letter from the Marquis D'Yrujo, of which you will find a translated copy in the inclosed newspaper of this date, was yesterday received. The letters to which it refers, as containing orders for the reestablishment of our deposit at New Orleans were immediately forwarded. They will arrive in time we hope, to mitigate considerably the losses from the misconduct of the Spanish Intendant; and they are the more acceptable as

they are an evidence of the respect in the Government of Spain for our rights and our friendship.

From the allusion in this communication from the Spanish Minister to a future agreement between the two Governments on the subject of an equivalent deposit, it would seem that the Spanish Government regards the Cession to France as either no longer in force, or not soon to be carried into execution. However this may be, it will not be allowed, any more than the result of our remonstrance to Spain on the violation of our rights, to slacken the negotiations for the greater security and the enlargement of these rights. Whether the French or the Spaniards or both are to be our neighbours, the considerations which led to the measures taken with respect to these important objects, still require that they should be pursued into all the success that may be attainable.

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With sentiments of Great respect, &c